

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

United States of America, )  
                            Plaintiff,     )  
vs.                         ) Case No. 08-0026-02-CR-W-FJG  
Cynthia S. Martin, Troy R. Solomon and )                         -03-  
Delmon L. Johnson,     )                         -05-  
                            Defendants. )

**ORDER**

Pending before the Court are:

1.     Defendant Martin's motion to dismiss for failure to state an offense as to counts two and twenty-one through twenty-four (Doc. #57), filed June 16, 2008;
2.     Defendant Johnson's motion to quash indictment (Doc. #64), filed June 16, 2008;
3.     Defendant Solomon's motion to quash indictment (Doc. #65), filed June 16, 2008; and
4.     Defendant Solomon's motion to dismiss count two for failure to state an offense (Doc. #98), filed August 29, 2008.

The government has filed responses to all of the above motions except defendant Solomon's motion to dismiss (Doc. #98). Defendant Martin has filed a reply (Doc.#86) to the government's response (Doc. #79) to her motion to dismiss for failure to state an offense (Doc. #57).

On December 10, 2008, United States Magistrate Judge Sarah W. Hays entered a report and recommendation (Doc. #151) which recommended denying the above-mentioned motions. Defendant Martin filed objections to Magistrate Judge Hays' report and recommendation on December 22, 2008 (Doc. #167). Defendants Solomon and Johnson filed joint objections on that same date (Doc. #168).

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant Martin's motion to dismiss for failure to state an offense as to counts two and twenty-one through twenty-four (Doc. #57); defendant Solomon's motion to dismiss count two for failure to state an offense (Doc. #98); defendant Johnson's motion

to quash indictment (Doc. #64) and defendant Solomon's motion to quash indictment (Doc. #65) should be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant Martin's motion to dismiss for failure to state an offense as to counts two and twenty-one through twenty-four (Doc. #57); defendant Solomon's motion to dismiss count two for failure to state an offense (Doc. #98); defendant Johnson's motion to quash indictment (Doc. #64) and defendant Solomon's motion to quash indictment (Doc. #65) are denied.

/s/Fernando J. Gaitan, Jr.

Judge Fernando J. Gaitan, Jr.  
Chief United States District Judge

Dated: 2/9/2009  
Kansas City, Missouri